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November 14, 2005

The Honorable Kent A. Jordan
United States District Court
Federal Building
844 King Street
Wilmington, Delaware 19801

**RE: *In re Tricor Direct Purchaser Antitrust Litigation; C.A. No. 05-340 (KAJ)*
Teva Pharm. USA, Inc. v. Abbott Laboratories; C.A. No. 02-1512 (KAJ)
Impax Laboratories, Inc. v. Abbott Laboratories; C.A. No. 03-120 (KAJ)
*In re Tricor Indirect Purchaser Antitrust Litigation; C.A. No. 05-360 (KAJ)***

Dear Judge Jordan,

There is a discovery dispute between the parties in these cases, which dispute is set to be heard in a teleconference with Your Honor tomorrow morning, November 15, at 10:00 a.m. As liaison counsel for the plaintiffs, the parties initiating the teleconference dispute procedures, on Thursday afternoon I served a three-page "discovery letter" on all parties, and was going to file it with the Court at that time. However, I realized that the letter would have to be filed under seal inasmuch as it both excerpted from and attached several items which the defendants had stamped and produced as "highly confidential." Accordingly, all that I could electronically file on Thursday was the "place saver" sort of filing which is directed by the ECF procedures, and of course Friday the Court was closed for the legal holiday, so physical delivery was impossible.

Against that background, this delivers sealed copies of that letter. There is no protective order in place in this case yet, but we are proceeding in accordance with Local Rule 26.2, also as directed in the Scheduling Order of October 27, 2005 (D.I. 43) at paras. 7 and 8. I would add that the discovery letter also relates to three other cases, whose captions are shown both there and above. In two of them – *Teva Pharm. USA v. Abbott*, C.A. No. 02-1512 (KAJ) and *Impax Laboratories v. Abbott*, C.A. No. 03-120 (KAJ), – confidentiality orders are in place, which would permit the filing of this letter under seal in those matters in any event. (In C.A. No. 02-1512 (KAJ), that would be D.I. 97, entered 2/9/04; in C.A. No. 03-120 (KAJ), that would be D.I. 60, entered 1/14/04.)

Respectfully submitted,


Jeffrey S. Goddess (No. 630)

JSG/cmw

cc: All counsel on attached service list

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2005, I electronically filed the foregoing letter to Court regarding a discovery dispute using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that on November 14, 2005 I caused a copy of the aforementioned document to be delivered to the following attorneys via e-mail:

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